

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Victor M. Rivera

Docket No. 5:13-MJ-1816-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment of Victor M. Rivera who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 4), was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge on March 13, 2014, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant completed his driving while impaired assessment and was required to perform 20 hours of counseling per his federal conviction for impaired driving. As of this date, he has not started the counseling. Additionally, the defendant agreed to pay his \$400 fine and \$10 special assessment at a rate of \$50 per month commencing on April 30, 2014. As of this date, he has made no payments. The defendant reports he has been unable to start the counseling classes or pay his monetary obligations due to financial difficulties. The defendant reports he will be able to satisfy these obligations once his tax returns have been received. At this time, we are recommending that the term of probation be extended to allow the defendant to complete the required counseling classes and pay his monetary obligations. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The term of supervision shall be extended for a period of 3 months to the new expiration date of June 12, 2015.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301

Phone: 910-483-8613

Executed On: February 9, 2015

ORDER OF THE COURT

Considered and ordered this 10th day of February, 2015 and ordered filed and made a part of the records in the above case.



James E. Gates
U.S. Magistrate Judge